

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LEONARD FRED TILLMAN,

Plaintiff,

v.

PA DEPT. OF CORRECTIONS,
et al.,

Defendants.

Civil Action No. 08-104 Erie

MEMORANDUM ORDER

____ Plaintiff's civil rights complaint was received by the Clerk of Court on April 17, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [35], filed on May 22, 2009, recommends that: (1) the Motion to Dismiss Complaint [21] filed on behalf of the DOC Defendants be granted; (2) the Motion to Dismiss Complaint [23] filed on behalf of Defendant Prison Health Services, Inc. be granted; and (3) the case be closed. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at the Allegheny County Jail in Pittsburgh, where he is incarcerated, and on the Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 18th day of June, 2009;

IT IS ORDERED that: (1) the Motion to Dismiss Complaint [21] filed on behalf of the DOC Defendants be, and hereby is, GRANTED; (2) the Motion to Dismiss Complaint [23] filed on behalf of Defendant Prison Health Services, Inc. be, and hereby is, GRANTED; and (3) the within case shall be marked CLOSED.

The Report and Recommendation of Magistrate Judge Baxter [35], dated May 22, 2009, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
Chief U.S. Magistrate Judge Baxter